IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 25612 of 2003

Between:

K. Sambrajyam, W/o. Late K. Joseph Celestian, Attender,
High Court of A.P. R/o Hyderabad.

..... PETITIONER

AND

1 The Govt. of A.P. rep by its Principal Secretary, Home Department, Secretariat, Saifabad, Hyderabad.
2 Station House Officer, Malakpet Police Station, Hyderabad.
3 Station House Officer, Pirangipuram Police Station, Guntur Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order of direction more fully in the nature of Writ of Mandamus by declaring the action of the respondents in not investigating into the complaint dated 4-3-2003 and prosecuting the accused as illegal, improper and arbitrary and consequently direct the respondents to investigate in the matter and take action against the accused and pass

Counsel for the Petitioner: MR.K.CHAITANYA

Counsel for the Respondents : GP FOR HOME

The Court made the following :

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 25612 of 2003

ORDER:

The graveman of the complaint of the petitioner in the present writ petition is whether there is any inaction on the part of the police in investigating into the crime No.72 of 2003 which was registered on 5-03-2003 under Section 174 of Cr.P.C., by the 2nd respondent police station.

It is stated that the petitioner's son married with one Vakuladevi, daughter of Chennakesavulu of Bethapudi, Phirangipuram Mandal, Guntur District and on 03-03-2003 at 6 P.M., he received a phone call from his daughter-in-law stating that the petitioner's son lost his consciousness and his condition was critical. When he reached Phirangipuram along with his son-in-law and daughter, they are informed that his son died due to heart attack, with regard to registering the crime the dead body was brought to Hyderabad. Accordingly, they lodged a complaint with Malakpet police station and the body was sent for post mortem examination at Osmania General Hspital, but so far police have not investigated into the matter and not filed any charge sheet in the said crime.

The 3rd respondent who is in-charge of Station House Officer, Phirangipkuram, filed a counter stating that initially the crime was registered in 2nd respondent police station on 05-03-2003, and thereafter the same was transferred to the 3rd respondent police station for want of jurisdiction. When the Post Mortem Examination Report along with DFSL and opinion sent by the Malakpet police station through the letter dated 8-12-2003 was received by 3rd respondent police station, the copies of the FIR in Cr.No.72 of 2003 was obtained by the Malakpet police station and a case in Cr.No.3 of 2004, under Section 302 read with 34 of IPC was registered on 18-04-2004 against the deceased wife Vakuladevi and two others i.e., the wife, mother-in-law and father-in-law of the deceased, on the file of 3rd respondent police station and the investigation in the said crime was taken up but denied no steps have been taken.

In view of the same, respondent Nos.2 and 3 are directed to complete the investigation within a period of two months from the date of receipt of a copy of this order and file necessary report/charge sheet before the jurisdictional Magistrate after due intimation to the petitioner.

The Writ Petition is accordingly disposed of.

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kvr 8th July, 2004

To

1 The Principal Secretary, Home Department, The Govt. of A.P. Secretariat, Saifabad, Hyderabad.
2 The Station House Officer, Malakpet Police Station, Hyderabad.
3 The Station House Officer, Pirangipuram Police Station, Guntur Dist.

4 Two C.Cs to the G.P. for Home, AP High Court Buildigns

High Court of A.P., Hyderabad. (O.U.T.)

5 Two C.D.Copies.